

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
PATRICE BUJARD ET AL
INTERNATIONAL APPLICATION NO. PCT/EP 03/09269
FILED: AUGUST 21, 2003

Group Art Unit: 1616
Examiner: A.L. Fisher
Confirmation No.: 8661

FOR: COLORED GLOSS PIGMENTS HAVING AT
LEAST ONE COATING OF SIOX, WITH X = 0.03
TO 0.95 FOR USE IN COSMETIC AND
PERSONAL CARE FORMULATIONS

U.S. APPLICATION NO: 10/524,457
35 USC 371 DATE: FEBRUARY 10, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Terminal Disclaimer over U.S. Pat. No. 5,766,335 (37 CFR 1.321(c))

Sir:

I, Tyler A. Stevenson, represent that I am an Agent of record for this invention.

Ciba Corporation, a corporation organized and existing under the laws of the State of Delaware, represents that it is the assignee of the entire interest in present app. No. **10/524,457** by virtue of an assignment recorded on September 14, 2005, reel/frame 016975/0201 in the United States Patent and Trademark Office.

Ciba Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on application No. **10/524,457** which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. **5,766,335**,

the patent forming the basis of the double patenting rejection. The owner hereby agrees that any patent so granted on application No. **10/524,457** shall be enforceable only for and during such period that it and the prior patent are commonly owned, this agreement to run with any patent granted on application No. **10/524,457** and to be binding upon the grantee, its successors and assigns.

Said U.S. Patent No. **5,766,335** is also entirely assigned to Ciba Corporation by virtue of an assignment recorded on March 2, 1998, reel/frame 9000/0053 in the United States Patent and Trademark Office.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application No. **10/524,457** that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent No. **5,766,335**, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term.

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Respectfully submitted,



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